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UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Melekian	Group Art Unit: 3683	
Serial No.:	10/056,156	Examiner:	R. Siconolfi
Filed:	24 January 2002		
Title:	BRAKE SHOE ASSEMBLY HAVING A CORROSION REDUCING LINING		

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Dear Sir:

The Examiner's answer mailed October 31 2003 raises several new arguments. These are addressed below.

EXAMINER ARGUMENTS REGARDING "UNOBSTRUCTED MOISTURE ESCAPE PATH."

The Examiner continuously argues that "there is nothing in the claims that requires the moisture to flow unobstructed once it leaves the brake shoe table or brake shoe lining."

Answer

Independent Claims 1, 5 and 13 each recite:

...at least one of said plurality of brake lining drain openings aligned with one of said plurality of brake shoe table drain openings to provide ***an unobstructed moisture escape path.***

The Examiner is attempting to argue that a barrier (as representative of the fluid pumping solenoid valve 42 which seals the openings 44 in *Blatter et al.*) placed adjacent the opening 54a, 54b as representatively illustrated below is equivalent to an ***unobstructed moisture escape path*** as claimed in the present application.

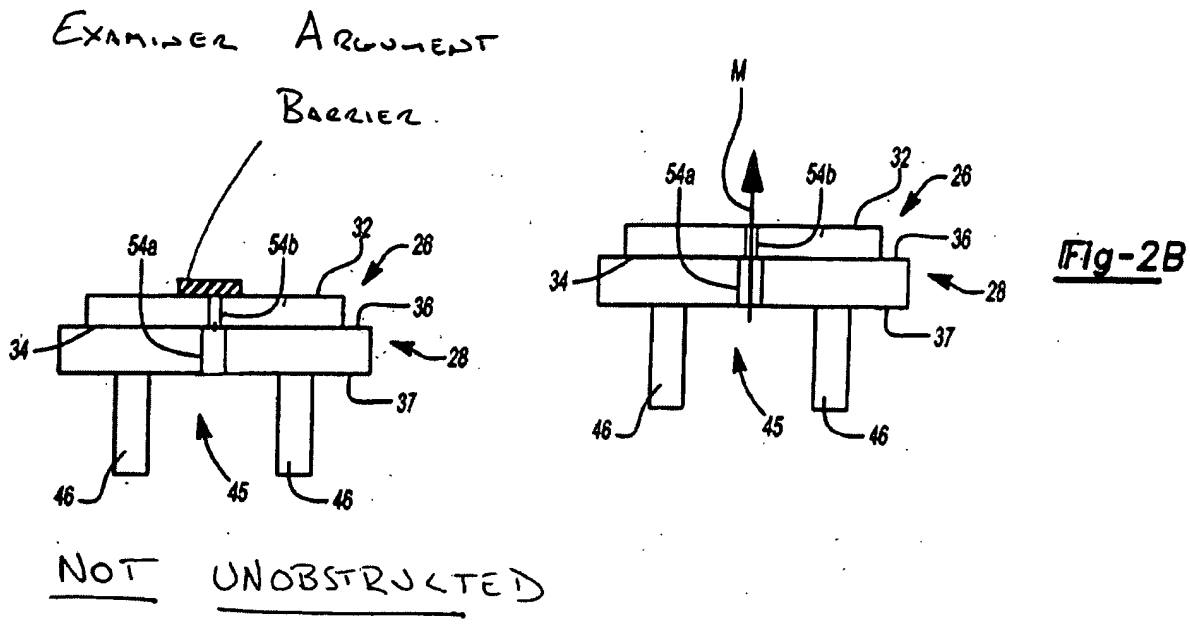


Fig-2B

This cannot be sustained. Any path with such a barrier cannot be considered an escape path. A fire exit with an open door but having a brick wall just after the door opening would not be considered a fire escape or an unobstructed escape path under any reasonable interpretation. Furthermore, fluid would become trapped in the openings 54a, 54b by the barrier. This too would be an obstruction. Applicant respectfully requests that the Examiner be overruled.

EXAMINER ARGUMENTS REGARDING MOISTURE

The Examiner argues that the presence of moisture is not required by the claim language but merely a path for it to escape.

Answer

This avoids the fact that the limitation "***unobstructed moisture escape path***" exists within the claims in the present application. "Moisture" is a limitation that defines what the escape path is

for. There would be no reason to provide an escape path for something that is not moisture, for example. An escape path for a fluid (gas or liquid) having a high-rate of evaporation so as to be quickly dissipated and "will not contaminate or deteriorate the brake drum or brake pad" *[see Blatter et al col. 5, lines 37-44]* is not the same as an escape path for moisture, i.e., something corrosive to brakes.

EXAMINER ARGUMENTS WITH REGARD TO *STREBINGER* APERTURES

The Examiner argues that the multiple brake shoe linings of *Strebinger* are "drain openings therethrough."

Answer

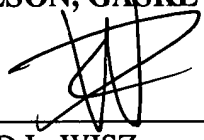
Independent Claims 1, 5 and 13 each recite: "said brake lining material defining a plurality of ***brake lining drain openings therethrough.***" THERETHROUGH. Not around. Not adjacent. Therethrough. The Examiner admits that *Strebinger* discloses that the brake shoe lining 24 is formed in "multiple segments." The brake shoe lining segments do not have openings therethrough. At best, fluid may go around the segments. Around a multiple of segments are not drain openings therethrough.

CLOSING

For the reasons set forth above, the rejection of all claims is improper and should be reversed. Appellant earnestly requests such an action.

Respectfully submitted,

CARLSON, GASKEY & OLDS, P.C.



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Dated: November 26, 2003